

1910-044 Chancery Causes: J. B. Kirk to vs. Lillie M. Burges to  
Lee Co.

Haynes

1 Plat

CA-Estate Dispute  
T-Property

-Deed

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining, your orators, J. B. Kirk and G. N. Kirk, citizens of Lee County, Virginia, respectfully represents unto your Honor:

First: That John F. Burgan on or about the \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_, ~~de~~<sup>de</sup> parted this life intestate, ~~de~~<sup>de</sup> ised and possessed of the surface in a certain tract or parcel of land, lying and being in Lee County, Virginia, and bounded as follows, to-wit:

One the North East by the lands of R. L. Evans and T. G. Thompson; on the South east by G. L. Pennington and Richard L. Kirk and others; on the south east by a tract of land conveyed by E. W. Pennington, as Special Commissioner, to Chas. M. Burgan; and said to contain (100) one hundred acres more or less;

That the said John F. Burgan at the time of his death left surviving him, as his heirs at law seven children, to-wit, John Simpson Burgan, Chas. M. Burgan, Andy<sup>2</sup> Burgan<sup>3</sup>, Auburn P. Burgan<sup>4</sup>, Reese G. Burgan<sup>5</sup>, Lillie M. Burgan<sup>6</sup> and Ida Burgan<sup>7</sup>; and also he left surviving him his wife, Malinda Burgan, who, <sup>8</sup> since his death, has married, and is now the wife of one Stephen Haynes; that said Chas. M. Burgan by deed duly made and executed to him heretofore bought the undivided interests of John Simpson Burgan, Andy P. Burgan, Auburn P. Burgan and Reese G. Burgan in said tract of land;

Third: That the said Lillie M. Burgand and Ida Burgan are infants under the age of twenty (21) one years old;

That you orators own land adjoining and adjacent to the said tract of land; and that they are advised that the said Malinda Haynes, who is still living is entitled to

have a dower upon the same; *That by a deed dated Feb. 5, 1908 the said Chas. M. Burgan wife conveyed five - seven this undivide of interests in said land to your orators, as*

3  
evidenced by their deed which is herewith  
filed as exhibit "B," and prayed to be taken as  
a part of this bill.

Your orators allege that the said tract of land  
is capable of being partitioned among themselves and among  
the said Lillie M. Burgan and Ida Burgan.

The premises therefore considered, your orators  
pray that your honor take cognizance of this their cause of  
complaint; that Malinda Haynes, Lillie M. Burgan and Ida  
Burgan be made parties defendants to this suit; that they  
be required to answer the same, but they need not do so  
on oath as that is waived; that a Guardian Ad litum be duly  
appointed to defend the interests of the said Lillie M.  
Burgan and Ida Burgan in this case; that upon a final  
hearing of this case a decree be rendered and pronounced  
therein appointing qualified Commissioners for the purpose  
of going upon said lands and duly partitioning the same  
between your orators and the said Lillie M. Burgan and  
Ida Burgan; that dower be duly assigned to the said Malin-  
da Haynes, and in such a manner that a due and proper  
proportion thereof may rest upon the shares of the said  
Lillie M. and Ida Burgan; that in assigning the interests of  
your orators in said land the same be assigned to them ad-  
joining their other lands, if the same can be done without  
material injury to the rights of the said Lillie M. Burgan  
and Ida Burgan. And that all other, further and general  
relief be awarded your orators that the nature of their  
cause may demand. And they will ever pray, etc.

Purminston Bros. P.Q.

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

The joint answer of Lillie M. Burgan and Ida Burgan, infants under the age of twenty-one years, by R. E. L. Chumbley, their guardian ad litem, assigned to defend them in this suit to a bill of complaint exhibited against them and another, in the Circuit Court for Lee County, by J. B. Kirk and G. N. Kirk.

Your respondents reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, or to so much thereof as they are advised that it is material for them to answer, by their said guardian ad litem, answer and say:

That they are infants of tender years and by reason of their infancy are incapable of taking care of their rights and interests. They therefore by their said guardian ad litem commend themselves and their rights and interests to the protection and care of the Court, and pray that no decree may be pronounced therein which will tend to their prejudice, and having fully answered the said respondents bill pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray, etc.

R. E. L. Chumbley,  
GUARDIAN AD LITUM. for Lillie M.  
Ida Burgan

Costs:

|          |                |
|----------|----------------|
| Clk.     | \$11.82        |
| Shff.    | 2.50           |
| G. A. L. | 5.00           |
| Atty.    | 15.00          |
| Comm.    | 29.00          |
|          | <u>\$63.32</u> |
|          | 1.50           |
| Day      | <u>\$64.82</u> |

J. B. & G. N. Kirk

vs. Bill

Sillie M. Benson Ad.

11/21/08

1909 1st Jan. Rules

Bill filed, Sta. up  
replied last to Mr. Lincoln  
Haynes & D. N.

2nd Jan. Rules

D. N. confirmed &  
cause set for hear-  
ing.

This Deed, Made the 5 Day of  
February 1908 Between  
Charles M. Burgin & Myrtle  
Burgin his wife Parties of the  
first part and J. B. Kirk <sup>J. B. Kirk</sup> Party of  
the second part all of the County  
of Lee and State of Virginia  
Witnesseth that in consideration  
of the sum of Eight Hundred  
Dollars Paid by J. B. Kirk <sup>J. B. Kirk</sup> to Charles M. Burgin  
and Myrtle Burgin the Receipt of  
which is hereby acknowledged The  
said Charles M. Burgin and Myrtle  
Burgin his wife do grant unto the  
said J. B. Kirk <sup>J. B. Kirk</sup> with General Warranty  
all of 3 certain Tracts or parcels of  
Land with the Coal and Timber under  
14 inches in diameter for Mining purposes  
excepted and Banned and described as  
follows 1 Tract known as the N. H. Harris  
place containing about 5 Acres conveyed  
to N. H. Harris by John S. Burgin and for  
a more accurate description you are  
referred to Deed Book 46 Page 503  
1 Tract or parcel of Land conveyed to  
Charles M. Burgin By E. W. Runnings  
Special Commissioner and Banned and  
described as follows Beginning on

Three small clements in the line of  
R. L. Evans thence S 28 W to stone creek  
thence down stone creek with <sup>the</sup> meanders  
to a spruce pine near J. S. Burgins Jr  
dwelling house thence with the line of  
the N. H. Lewis tract before mentioned  
in this deed to the line of R. L. Evans  
thence with the line of said Evans to the  
beginning, containing 35 acres more  
or less, more Referred to deed, Book, No 38, <sup>50</sup> page  
and there is 5 undivided interest  
conveyed in this deed in the old  
home place of J. S. Burgins ben deceased  
and J. H. Burgins. deceased his likes  
2 undivided interest and a widows  
dowry being all the tract which tract  
contains one hundred acres more or  
less bounded on <sup>North</sup> East by R. L. Evans, and  
on <sup>South</sup> West by J. G. Thompson  
and Richard L. Kirk and others and  
on the South East by second piece mentioned in this deed  
for a more complete description you  
are Referred to deed Book No 46 Page 504  
all this land is joining and lying  
on the waters of stone creek  
in the packet country in Lee  
county Virginia and the said  
grantor covenants that they have a

Perfect Right to convey said land  
to the grantee that <sup>they</sup> have done no act  
to encumber said land that the grantee  
shall have quiet possession of said land  
free from all encumbrances except what  
has been mentioned in this deed and  
that they will execute such further  
assurance as may be requisite  
Witness the following signature  
and seal

Charles M. Burgin  
Myrtle Burgin.

seal

seal

County of Lee to wit  
I M R Kirk a Notary of the Public for  
the County aforesaid in the State of  
Virginia do certify that Charles M.  
Burgin and Myrtle Burgin  
whose names are signed to the writing  
above bearing date on the 5 day of  
February 1908 have acknowledged  
the same before me in my County  
aforesaid

Given under my hand this this  
February the 5 1908

M R Kirk N P

My Commission Expires on the 6 day of January  
1912

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 6th day of February, 1908, this deed was presented, and together with the certificate annexed, admitted to record, at 10 o'clock A.M.

Teste:

*W. G. J. Sperry*, Clerk.

J B Hinkley  
Deed from  
Chas M. Burgin

Filed Feb. 6, 1908 at  
10 o'clock A. M.

Recorded in Deed  
Book 46, page 511/2  
Examined Feb. 6, 1908  
Indexes

Fee 1.25.  
Tax  $\frac{1.00}{\$2.25}$  Paid.

===== #  
J. B. & G. N. Kirk, Complainants, #  
vs. # Decree, Final.  
#  
Lillie M. Burgan, et al, Defendants, #  
===== #

This cause came on this the \_\_\_\_\_ day of May, 1910, to be heard upon the papers formerly read herein, and the report of Commissioners W. E. Thompson, W. N. G. Barron, Loyd Garrett, and William Turner, dated on the 15th day of March, 1910, and the plat filed with said report, and which report was filed in this cause on the 22d day of April, 1910, and to which report and plat, the same having been filed for more than ten days, no exceptions have been taken and was argued by counsel.

On consideration of all which and for reasons appearing to the Court, it is adjudged, ordered and decreed that said report of said commissioners and plat filed therewith be and the same are approved and hereby confirmed; that J. B. & G. N. Kirk take and hold in fee simple lot No. 1 shown on said plat and containing 88 acres, the boundaries of which are shown in said report, subject to Malinda Haynes' dower resting thereon; that Lillie M. Burgan and Ida Burgan take and hold in fee simple lot No. 2 shown on said plat, the meets and bounds of which are fully set forth in said report, subject to that part of the dower of Malinda Haynes resting thereon; said lot No. 2 inclusive of said dower is supposed to contain 44 acres more or less, and that Malinda Haynes, widow of John S. Burgan deceased, take and hold for and during her natural life as and for her dower in said land lots "A" & "B" shown on said plat.

And it is further adjudged, ordered and decreed that the ~~said Clerk~~ Clerk of this Court will have recorded in the proper deed book the order in this cause <sup>directing</sup> ~~having~~ said Commissioners to make partition of said lands, said commissioners report and plat attached thereto and this order confirming said partition.

And it is further adjudged, ordered and decreed that the said complainants will pay five-sevenths of all the taxable and legal costs in this case and the said Lillie M. & Ida Burgan will pay two-sevenths thereof, and the respective parts of said costs shall be a lien upon the respective interests of the parties to this suit. And this cause is stricken from the docket.

Virginia, Lee County, to-wit:  
In the Clerk's office of Lee  
County, on this the 30th day of  
May, 1910, the foregoing decrees, com-  
missioner's report and plat were  
presented, and admitted to record  
Attest: H. C. I. Ewing, Clerk.

J. B. & G. N. Kirk

vs } Deed final

Fellie M. Burgeon et al

Entered in C. L. B.  
No. 9, page 8 & c.

Recorded in Deed  
Book 49, page 461 & c.  
Examined May 31, 1910

Enter this

May 5 1910  
H. A. W. S. S. S.

J. B. & J. N. Kirk.....Complainant.

Vs. In Chancery.

Lillie M. Burgan and others. ....Defendants.

This cause came on this 7th day of December, 1909, to be heard upon the bill of the complainant and exhibits filed therewith, the answer of Lillie M. Burgan and Ida Burgan, infants under the age of twenty-one years, by R. E. L. Chumbley, their guardian ad litem assigned to defend them in this cause, general replication to said answers, and was argued by counsel.

On consideration of all which ~~and for reasons appearing to the court~~, and it also appearing that process has been duly served upon Malinda Haynes for more than fifteen days before the first day of this term of the court, and she failing to appear or plead in this cause, on motion of the complainants by their attorneys, said complainants bill as to her is taken for confessed, and for reasons appearing to the court it is adjudged, ordered and decreed that W.N.G. Barron, W. E. Thompson, William Turner, and Loyd Garrett, any three of whom may act, be and are hereby appointed as Special Commissioners for the purpose who will go upon the land in the bill and proceeding mentioned and will partition the same, assigning to *and adjoining to their other lands* the said complainants five-sevenths of the same in one body; to Lillie M. Burgan one-seventh of said lands, and to Ida Burgan also one-seventh of said land, and if said complainants shall have purchased either of said interests before they shall partition said land, they will assign the shares so purchased to the said complainants adjoining their other lands; and said Commissioner in assigning the shares of the said complainants to them will lay off and assign the same adjacent to their other land.

And it is further adjudged, ordered and decreed that out of the said lands in the bill and proceeding mentioned, said commissioners will also assign to Malinda Haynes, as the widow of John

E. Burgan, dower in said lands, that is one-third thereof in rental value and so as to include the dwelling house upon said land, and also so as to make such dower rest equally upon the various shares therein. And they will report their action to court, and this cause is continued.

J. B. & G. N. Kirk

vs } Green

Sellie M. Burgan

Entered in C. L. B.  
No 8, page 557

Entered this

Dec. 7 1909

H. C. Green

the same to continue.  
where shown. And they will report their action to court, and  
and also so as to make such report every 15 days upon the various  
rental value and so as to include the dwelling house upon said land.  
R. M. Green, power in said lands, that is one-half thereof, in

Virginia,

At a Circuit Court continued and held for Lee County, at the Courthouse thereof, on Thursday, the 9th day of December, 1909.

J. B. & J. N. Kirk

Complainants.

Vs.

In Chancery.

Lillie M. Burgan and others,

Defendants.

This cause came on this 7th day of December, 1909, to be heard upon the bill of the complainant and exhibits filed therewith, the answer of Lillie M. Burgan and Ida Burgan, infants under the age of twenty-one years, by R. E. L. Chumley, their guardian ad litem assigned to defend them in this cause, general replication to said answers, and was argued by counsel.

On consideration of all which, and it also appearing that process has been duly served upon Malinda Haynes for more than fifteen days before the first day of this term of the court, and she failing to appear or plead in this cause on motion of the complainants by their attorneys, said complainants bill as to her is taken for confessed, and for reasons appearing to the court it is adjudged, ordered and decreed that W. N. G. Barron, W. E. Thompson, William Turner and Loyd Garrett, any three of whom may act, be and are hereby appointed as Special Commissioners for the purpose who will go upon the land in the bill and proceeding mentioned and will partition the same, assigning to the said complainants five-sevenths of the same in one body; and adjoining to their other lands, to Lillie M. Burgan one-seventh of said lands, and to Ida Burgan also one-seventh of said land, and if said complainants shall have purchased either of said interests before they shall partition said land, they will assign the share so purchased to the said complainants adjoining their other lands; and said Commissioners in assigning the shares of the said complainants to them will lay off and assign the same adjacent to their other land.

And it is further adjudged, ordered and decreed that out of the said lands in the bill and proceeding mentioned, said commissioners will also assign to Malinda Haynes, as the widow of John

S. Burgan, dower in said lands, that is one-third thereof in rental so as to include the dwelling house upon said land, and also value, ~~of~~ and, so as to make such dower rest equally upon the various shares therein. And they will report their action to court, and this cause is continued.

A copy,

Teste: H. C. J. Ewing, Clerk.

J. B. & J. N. Kirk

73.

Lillie M. Bingham et al.

Copy for return of  
officer.

Executed in part by  
delivering a copy to W. E. —  
Thompson and W. N. G.  
Barron - this Jan 28<sup>th</sup> 1910  
G. V. Sage & S. for W. J. Tucker  
S. L. C.

Further Executed by delivering  
a copy to Loyd Garrett and  
William Turner this

Feb 24<sup>th</sup> 1910

W. J. Thoms for  
W. J. Tucker S. L. C.

Recorded in Deed  
Book 47, page 458

Examined  
Indexed.

J.B.&G.N.Kirk

Vs.

Lillie M.Burgan & etals.)

) In Chancery.

To the Hon.H.A.W.Skeen,judge of the Circuit Court of Lee County Va.

At a Circuit Court continued and held for Lee County,at the Court House there of,on Thursday,the 9th day of December, 1909.

It was ordered and decreed that your undersigned commissioners go upon the Lands of John S.Burgan(deceased) and partitioned the same as mentioned in the Bill of proceedings,that is assigning to the said Complainants five sevenths of the same in one body;and adjoining to their other lands,to Lillie M.Burgan one-seventh of said lands,and to Ida Burgan also one seventh of said land,and And it was further adjudged,ordered and decreed that out of the said lands in the Bill and proceeding mentioned,said commissioners will also assign to Malinda Haynes,as the widow of John S.Burgan, dower in said lands,that is one-third there of in rental value and so as to include the dwelling house upon said land,and also so as to make such dower rest equally upon the various shares there in. Your undersigned commissioners beg leave to report that on the 15th day of March 1910,we did go upon the lands mentioned in said Bill of proceedings,and after being duly sworn did partition the same as follows:after making a survey of the boundry we found it to contain about one hundred and thirty two acres(132),we then layed off and assigned to the said J.B.&G.N.Kirk five sevenths in value of said land adjoining their other lands,shown on plat filed here with as a part of this report marked exhibit (A),said five sevenths of land designated by Fig. D,H,M,P,T,V,X,2 and D. Farther described and bounded as follows to-wit. Beginning at a white oak in a Low Gap on the top of a ridge shown on plat at (D) N.22 1/2.E 93 poles to a percimon tree shown on plat at (F) N.16.E 14 poles & 5 links to a rock.N.29.E 21 3/4 poles to a double Holly on South Bank of Stone Cree k,shown on plat at (H). N.47 1/2.W with said creek 25 poles to a double iron-wood on the

South Bank. N. 22 1/2. E. 29 poles to a maple on top of a ridge shown on plat at (M). S. 65 1/2. E. 25 poles to a stake on a spur, thence with the top of said spur Eastwardly 23 poles to a locust and chestnut. Thence North Eastwardly with the top of a ridge 61 poles to a locust & chestnut corner to Irvins Land shown on plat at (V). Thence continuing with top of said ridge North Eastwardly 43 poles to three chestnuts shown on plat at (X). S. 23 10' W 212 poles crossing Stone Creek to a white Oak on top of a ridge shown on plat at (2). Thence with the top of the ridge N. 85 . W 10 3/4 poles to a chestnut. S. 76 1/4. W 16 poles and 20 links to a chestnut and 2 sourwoods on a point. N. 62. W 24 1/2 poles to a stake . S. 83 3/4. W 13 poles and five links to a black oak. N. 84 1/2. W 8 poles and 44 links to a stake. S. 53 1/2. W 18 poles to a chestnut Oak. N. 83 1/2. W 21 poles to the Beginning. Containing 88 Acres.

We then lay off and assign to Lillie M. Burgan and Ida Burgan (2/7) two sevenths of said lands in value shown on plat at Fig: A, B, C, D, E, F, H, K, M, N, O and A. Bounded as follows to-wit.

Beginning at a small scrubby white oak on the South side of Stone Creek near the road, corner to George L. Pennington, shown on plat at (A). Thence S. 15 3/4. W 6 poles and 15 links to a stake in the Road. S. 23. E 8 poles & 4 links to a Tripplene Iron Wood in a rocky hollow. S. 17. W 56 1/2 poles to a black oak . S. 80. W. 3 poles to a large chestnut stump. S. 13 1/2. E 104 poles to a chestnut, Poplar, and Dogwood on the side of a Hill shown on plat at (C) Old Marked Corner (Passing a Poplar in Rocky Flat) S. 83 1/2. E 10 3/4 poles to a white oak near the Low Gap, corner to Lot NO. 1 assigned to Kirks and with the lines there of. N. 22 1/2 E. 93 poles to a Perce-mmon tree shown on plat at (F). N. 16. E 14 poles and 5 links to a rock. N. 29. E 21 3/4 poles to a double Holly on South Bank of Stone Creek, shown on plat at (H). N. 47 1/2. W with said Creek 25 poles to a double Iron Wood on the South Bank. N. 22 1/2. E 29 poles to Maple on top of the ridge shown on plat at (M). S. 81. W 12 1/2 poles to a hickory on top of a Bluff, thence continuing on down the top of the main Spur as it meanders about 47 poles to a Maple & Beech (Original Corner) on North Side of Stone Creek. S. 36 1/2. W 4 1/2 poles to a stake in Stone Creek, thence with the Creek as it now runs N. 51. W 19 1/2 poles to a stake in the Creek. S. 38 1/2. W 2

poles to the Beginning. Containing 44 Acres.

We then lay off and assign to Malinda Haynes a Dower in Said Lands Resting equal on Each Division in Rental value, Including the Dwelling House. Said Dower being in two Lots. Lot (A) Including Dwelling is bounded as follows. Beginning at a double Iron Wood on the South side of Stone Creek, corner to Lillie M. Burgan & Ida Burgan N. 22 1/2. E 29 poles to Maples on top of a ridge shown on plat at (M). Thence with the top of the ridge S. 65 1/2. E 25 poles to a stake on a spur. Thence leaving the top of the ridge South 43 poles to a pine on top of a Cliff. S. 27 1/4. W 17 poles to a white oak on South Bank of Stone Creek shown on plat at (S). N. 20. W 15 poles 10 links to a Holly Bush a corner to partition line shown on plat at (H). S. 29. W 21 3/4 poles to rocks. S. 16. W 14 poles and 5 links to a persimmon tree, shown on plat at (L). N. 56 1/2. W 33 poles to a Cedar shown on plat at (L). N. 38. E 40. poles to the Beginning. Containing about 12 Acres.

We then Lay off and assign to Malinda Haynes Lot B. *Also as Dower.* Beginning at a white oak in the Low Gap, a corner to Lillie M. Burgan and Ida Burgan shown on plat at (D) N. 22 1/2. E 56 3/4 poles to an Apple tree and Cucumber, shown on plat at (E). Thence N. 89 1/2. E 23 3/4 poles to a stake on a spur. S. 74 1/2. E 32 poles to a stake and black Oak. S. 86 1/4. E 44 poles to a stake and Gum on the Ease Boundary Line, and with the same S. 23. W 41 poles to a white Oak on top of a ridge. Thence with the top of said ridge N. 85. W 10 3/4 poles to a chestnut. S. 76 1/4. W 16 poles and twenty links to a chestnut and two Sour-woods on a point. N. 62. W 24 1/2 poles to a stake. S. 83 3/4 W 13 poles and 5 links to a black oak. N. 84 1/2. W 8 poles and 44 links to a stake. S. 53 1/2. W 18 poles to a Chestnut oak. N. 83 1/2. W 21 poles to the Beginning. Containing 26 acres more or less. All of which is respectfully Submitted.

*Nov 17<sup>th</sup> 1910*

*It is understood that a fence now running near the Line from the Point E to F. Shall go to make a line fence on Said Partition line from E to F and Said Kirks to Build one half of the Line fence from the Point F. Through Orchard to H. at Oak Road Also a Road is Reserved From near the Point F. to E. for the Benefit of Said Dower. (Amendment by Com.)*

*W. E. Thompson Surveyor*

*W. N. G. Barron*

*Lloyd Garrett*

*W. M. Turner*

Commissioners

# Cast of Partition

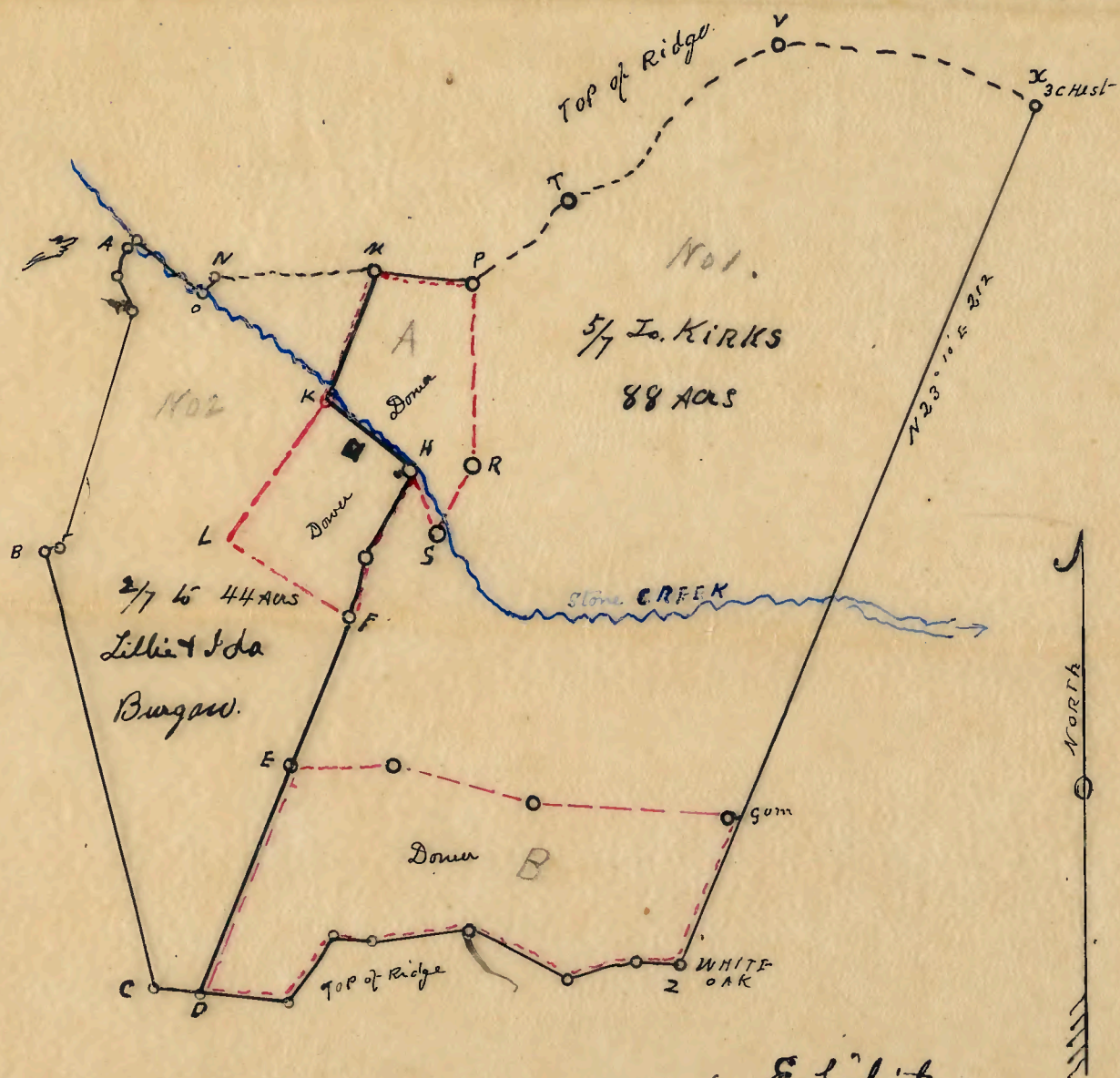
|                          |   |                 |                 |
|--------------------------|---|-----------------|-----------------|
| W <sup>B</sup> Thompson. | 4 | days. & Report. | 14.00           |
| W. N. & Barnes           | 2 | " "             | 4.00            |
| Lloyd Garrett            | 2 | " "             | 4.00            |
| Wm Turner                | 2 | " "             | 4.00            |
| Harve & Elliot Kirk      | 3 | Chairs          | 3.00            |
|                          |   |                 | <u>\$ 29.00</u> |

## Cast Price

26.95-  
\$ 2.05- Bal Due.

By Kirks 2045-  
\$ ~~14.45~~

By A.P. Bungan 6.50  
26.95-



Plat of J.S. Burgan LANDS  
 — Partition —  
 March 1910

Exhibit  
 A

≡ Comm. Report ≡

J. B. & G. N. Kirk  
U.S.  
Lillie & Ida Burgoon etc. } Chancery.

Filed April 22, 1910.

H. C. J. Ewing.  
Clerk.

Recorded in Deed  
Book 49, page 457c  
Examined May 31, 1910  
Indexed.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Malinda Haynes, Lilly M. Borgan and Ida Borgan*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *1st* Monday in *January*, 190*9*, to answer a bill in chancery exhibited against *them*  
*by J. B. Kirk and G. N. Kirk.*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *21st*  
day of *November*, 190*8*, and 1*33*" year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk

J.B. Kirk, et al.,

VS

}

SUBPENA  
IN  
CHANCERY

Malinda Haynes, et al.,

Pen. Bros. p. q.

To First January Rules  
Lee Circuit Court  
1908

Executed on the 29<sup>th</sup> day  
of Nov. 1908 by de-  
livering a true copy  
of the within sum-  
mons to Malinda  
Haynes in the Sec. of

E. S. Stapleton D. S. for  
H. Y. Tucker  
S. C. C.